



33 South Sixth Street, Suite 4200  
Minneapolis, Minnesota 55402  
Tel. (612) 373-8800  
Fax (612) 373-8881  
www.stoel.com

MARC A. AL  
Partner  
Direct (612) 373-8801  
marc.al@stoel.com

September 3, 2019

**VIA EMAIL ([NICOLE FRATTO@ILND.USCOURTS.GOV](mailto:NICOLE_FRATTO@ILND.USCOURTS.GOV)) AND U.S. MAIL**

Executive Committee  
United States District Court for the Northern District of Illinois  
Everett McKinley Dirksen United States Courthouse  
219 South Dearborn Street  
Chicago, IL 60604

**Re:** *Urban 8 Fox Lake Corp., et al. v. Nationwide Affordable Housing Fund 4, LLC, et al.*,  
Case No. 18-cv-6109;  
*Urban 8 Danville Corp., et al. v. Nationwide Affordable Housing Fund 4, LLC, et al.*,  
Case No. 19-cv-3171

Dear Members of the Executive Committee:

We represent the Defendants in the above-reference cases, which cases were recently reassigned by the Committee to Judge Rowland from Judge Durkin. In a Friday afternoon letter to you, Plaintiffs sought reassignment back to Judge Durkin. In their letter, Plaintiffs mischaracterized the Defendants' position. To avoid arguments, but to ensure simultaneously that the current record is corrected, the full text of Plaintiffs' request and my response is set forth below.

**From:** Al, Marc  
**Sent:** Friday, August 30, 2019 9:15 AM  
**To:** Davenport, David  
**Cc:** Loukas, Christina Rieck; Gordon, Jennifer L.; Caitlin Martini Mika  
(caitlin.mika@arnoldporter.com); Stephen D. Koslow - Koslow Law LLC  
(sdk@koslowlawllc.com); Brian Brandstetter  
**Subject:** RE: Urban 8 Matters (Chicago)

Counsel,

We have reviewed your email, including with local counsel Stephen Koslow, but cannot find a basis for the request in either the Federal Rules of Civil Procedure or the Internal Operating Procedures of the Court (copy attached).

Presumably, the fact that a motion was heard and is under advisement is not unique to this case, and, based on my experience with similar issues

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upon reassignment of cases to Judge Montgomery in the District of Minnesota when I was clerking there, was most likely considered after the initial slate of reassignments was prepared. In much the same way, the Ohio case was reassigned from Judge Marbley to Judge Morrison, and for the same reasons – the appointment of a new federal district judge – after a motion was under advisement and pending for some time. You did not raise the issue in that case.

The fact that a particular judge has made a significant time investment in a case already can surely be made in numerous cases that were reassigned to Judge Rowland. We had no problem with Judge Durkin and have no problem with the reassignment to Judge Rowland.

**Marc A. Al** | Partner  
**STOEL RIVES LLP** | Attorneys at Law | 33 South Sixth Street, Suite  
4200 | Minneapolis, MN 55402  
Direct: (612) 373-8801 | Mobile: (651) 324-9495 | Fax: (612) 373-8881  
[marc.al@stoel.com](mailto:marc.al@stoel.com) | [www.stoel.com](http://www.stoel.com) | [bio](#)

-----Original Message-----

From: Davenport, David <DDavenport@winthrop.com>  
Sent: Thursday, August 29, 2019 1:32 PM  
To: Al, Marc <marc.al@stoel.com>  
Cc: Loukas, Christina Rieck <CLoukas@winthrop.com>; Gordon,  
Jennifer L. <JGordon@winthrop.com>  
Subject: Urban 8 Matters (Chicago)

Counsel

We intend to ask the Court's Executive Committee to reassign both cases back to Judge Durkin. Please advise before noon tomorrow if you agree or disagree with reassignment.

Regards,

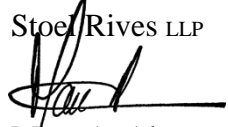
David A. Davenport  
(612) 604-6716 (w)  
(612) 202-1127 (c)

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Defendants stand by the text of Friday morning's email to Mr. Davenport.

Respectfully submitted,

Stoe Rives LLP



Marc A. Al

cc: Hon. Mary M. Rowland (via ECF)  
Hon. Thomas M. Durkin (via email to [Sandy\\_Newland@ilnd.uscourts.gov](mailto:Sandy_Newland@ilnd.uscourts.gov))  
All counsel of record (via ECF)  
Brian J. Brandstetter, Esq. (via email)